

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BCG, INC. and CHESAPEAKE PRODUCTS & SERVICES,	:	
	:	
Plaintiffs,	:	C.A. No. 07-cv-207 (GMS)
v.	:	
	:	TRIAL BY JURY
GLES, INC. d/b/a SWEET OIL COMPANY,	:	OF TWELVE DEMANDED
	:	
	:	NON-ARBITRATION CASE
	:	
Defendant/Third-Party Plaintiff,	:	
v.	:	
	:	
SUNOCO, INC.,	:	
	:	
Third-Party Defendant.	:	

STIPULATION

AND NOW, comes defendant, GLES, Inc. d/b/a Sweet Oil Company (“Sweet Oil”) and third-party defendant, Sunoco, Inc. (R&M) (“Sunoco”), by and through their undersigned counsel, and hereby stipulate as follows:

WHEREAS, Sweet Oil filed a Third-Party Complaint against Sunoco which contained three counts. The second count (Count II) sought indemnification from Sunoco; and

WHEREAS, Sunoco filed a Motion to Dismiss Count II; and,

WHEREAS, Sweet Oil does not oppose the relief sought by Sunoco in its Motion to Dismiss.

WHEREFORE, the parties hereby agree as follows:

1. Sweet Oil voluntarily dismisses Count Two of the Third-Party Complaint with prejudice pursuant to Federal Rule of Civil Procedure 41(a) and (c);

2. Sunoco withdraws its Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) as moot; and

3. Sunoco will file an answer to the Third-Party Complaint within ten days of the Court's approval and filing of this Stipulation.

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APPROVED BY:

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